CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906

ORDER NO. R3-2004-0135
NPDES PERMIT NO. CA0049981

WASTE DISCHARGE REQUIREMENTS

FOR

CITY OF SALINAS
MUNICIPAL STORM WATER DISCHARGES
Monterey County

FINDINGS

The California Regional Water Quality Control Board, Central Coast Region (hereinafter the Regional Board, or RWQCB), finds that:

1. The City of Salinas (the City, or the Permittee) submitted a Report of Waste Discharge, dated March 31, 2004, to request a renewal of their Waste Discharge Requirements (WDR, see Attachment 1 for list of acronyms used in this Order). The Permittee has been operating pursuant to WDR Order No. 99-087, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0049981 (Waste Discharger Identification No. 3 279906001), issued October 1999. The NPDES permit allows discharge of storm water from municipal separate storm sewer systems (MS4s) within Salinas' jurisdiction. The existing five-year permit was extended until this Order was adopted.

AUTHORITY

2. This Order is based on the federal Clean Water Act, the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000), applicable state and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board, and the Regional Water Quality Control Plan (Basin Plan) adopted by the Regional Board~~, the California Toxics Rule, and the California Toxics Rule Implementation Plan~~.

3. Salinas is defined as a medium municipality (i.e. those with populations greater than 100,000) in the Code of Federal Regulation (40 CFR 122.26(b)(7)), and operates an MS4. As such, the City must obtain an NPDES municipal storm water permit.

4. The Permit boundary, as shown in Attachment 2 and incorporated herein and made a part of this Order, is the incorporated area of the City and defines the boundary of the City's MS4.

5. The Permittee and other public agencies and private persons, own and operate storm water conveyance systems that service drainage areas within the Permit boundary. The Permittee's storm drain system consists of approximately 122 miles of pipes ranging from 12 to 84 inches in diameter. The storm drain system discharges into the surface water bodies listed in Finding 9, below.

6. There are municipal separate storm sewer systems discharging within the incorporated area of the city that are not owned or operated by the Permittee. The Permittee may lack legal jurisdiction over storm water discharges into its system from some of the state and county facilities, agricultural land, utilities and special districts. Some of those systems are owned or operated by the California Department of Transportation (Caltrans), and Monterey County. Specifically, Caltrans owns and operates State of California rights-of-way, and Monterey County has jurisdiction over storm water discharges from County owned properties. In addition, Monterey County Water Resources Agency owns and operates the Reclamation Ditch 1665 (also referred to as the Reclamation Canal on some maps, hereinafter referred to as the Reclamation Ditch). To the extent the Permittee lacks jurisdiction, the Regional Board encourages the Permittee to develop agreements with appropriate entities to ensure proper management of storm water discharges; however, the Permittee will not be held responsible for municipal facilities and/or discharges for which it lacks jurisdiction.

7. The Permittee may petition the Regional Board to issue a separate NPDES permit to any discharger of non-storm water into storm drain systems that the Permittee owns or operates.

8. There are portions of the City that are primarily agricultural. It is not the intent of the federal storm water regulations to regulate storm water discharges from agricultural lands. These areas of the City are exempt from the requirements of this Order, but are subject to the requirements of the *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2004-0117,* adopted on July 8, 2004.

HYDROLOGIC SETTING AND RECEIVING WATER BODIES

9. The City of Salinas is situated in the northern part of the Salinas Valley in Monterey County, approximately ten miles east of the Pacific Ocean and adjacent to the Salinas River. Four major creeks and several minor tributaries pass through the Salinas area and receive storm water discharges from the City sections northeast and adjacent to Highway 101 (see Attachment 2). Santa Rita Creek collects flow from a very small, northern portion of the city, then flows west to the Espinosa Slough. The three other major creeks, Natividad, Gabilan, and Alisal Creeks, are interconnected. Alisal Creek is renamed the Reclamation Ditch within the City. Natividad and Gabilan Creeks flow through the northeastern portion of the City. Natividad and Gabilan Creeks flow to Carr Lake. Carr Lake is often dry and is utilized for farming, but also functions as a storm water

retention basin before flowing to the downstream Reclamation Ditch (former Alisal Creek). The Reclamation Ditch collects flow, via Carr Lake, from Natividad and Gabilan Creeks, as well as other portions of the City. The Reclamation Ditch flows west from the City, paralleling the Alisal Slough and eventually discharges to the Tembladero Slough (Attachment 3). Espinosa and Tembladero Sloughs discharge to the Old Salinas River.

Storm water from the southernmost portion of the City is collected into a storm drain system that flows toward the industrial waste treatment plant. This storm water system terminates at a lift station, which discharges to the main Salinas River channel. The main Salinas River channel, like Espinosa and Tembladero Sloughs, enters into the Old Salinas River channel. The Old Salinas River channel is an estuary that is often separated from the Pacific Ocean by a sand bar. The Old Salinas River discharges into the Pacific Ocean at the downstream end of the Elkhorn Slough and Moro Cojo Slough estuary system near Moss Landing (Attachment 3).

BENEFICIAL USES

10. The Central Coast Water Quality Control Plan (Basin Plan) for the Central Coast Region, dated September 8, 1994, contains water quality objectives and water quality standards (collectively termed water quality objectives) and designates beneficial uses of ground and surface waters in the Central Coast Region. The Basin Plan also incorporates by reference all State Water Resources Control Board (State Board) water quality control plans and policies.

11. The beneficial uses, as listed in the Basin Plan, for receiving waters within and downstream of the permitted area include:

    a. Municipal and Domestic Supply
    b. Agricultural Supply
    c. Ground Water Recharge
    d. Water Contact Recreation
    e. Non-Contact Water Recreation
    f. Wildlife Habitat
    g. Cold Fresh Water Habitat
    h. Warm Fresh Water Habitat
    i. Spawning, Reproduction, and/or Early Development
    j. Preservation of Biological Habitats of Special Significance
    k. Rare, Threatened, or Endangered Species
    l. Estuarine Habitat
    m. Migration of Aquatic Organisms
    n. Freshwater Replenishment
    o. Commercial and Sport Fishing

12. This Order specifies requirements to protect the beneficial uses of the waters of the United States. The intent of this permit is to regulate pollutant discharges, identify and focus on those areas that threaten beneficial uses, and implement Best Management Practices (BMPs) to reduce storm water pollutants to the

Maximum Extent Practicable (MEP) as required in 40 CFR 122.26(d)(2)(iv). Permittees can satisfy the requirements through effective implementation of a Storm Water Management Program (SWMP) (refer to Attachment 4 of this Order) which contain BMPs.

DISCHARGE CHARACTERISTICS

13. Development and urbanization increase pollutant load, volume, and discharge velocity over background levels. During urbanization, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants, thereby providing an effective natural purification process. In contrast, pavement and concrete can neither absorb water nor remove pollutants, and thus the natural purification characteristics are lost. Urban areas provide pollution sources as the increased density of human population brings proportionately higher levels of urban pollutants and increased impervious surfaces.

14. Urban pollutants of concern that may be contained in storm water include, but are not limited to: certain heavy metals; sediments; pathogens; petroleum hydrocarbons; polycyclic aromatic hydrocarbons (PAHs), trash, and pesticides; herbicides; and nutrients that cause or contribute to the depletion of dissolved oxygen and/or toxic conditions in the receiving water. Excessive flow rates of storm water may cause or contribute to downstream erosion and/or excessive sediment discharge and deposition in stream channels. The quality and quantity of MS4 discharges may vary considerably because of the effects of hydrology, geology, land use, season, and sequence and duration of precipitation events.

15. The increased volume, increased velocity, and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion and impair stream habitat in natural drainages. A higher percentage of impervious area correlates to a greater pollutant loading (see pollutants of concern described above). Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been found to occur with as little as 10 percent conversion from natural to impervious surfaces. When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality. Many studies[1] have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of its receiving waters.

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[1] Impervious Cover as An Urban Stream Indicator and a Watershed Management Tool, Schueler, T. and R. Claytor, In, Effects of Water Development and Management on Aquatic Ecosystems (1995), ASCE, New York; Leopold, L. B., (1973), River Channel Change with Time: An Example, Geological Society of America Bulletin, v. 84, p. 1845-1860; Hammer, T. R., (1972), Stream Channel Enlargement Due to Urbanization: Water Resources Research, v. 8, p. 1530-1540; Booth, D. B., (1991), Urbanization and the Natural Drainage System--Impacts, Solutions and Prognoses: The Northwest Environmental Journal, v. 7, p. 93-118; Klein, R. D., (1979), Urbanization and Stream Quality Impairment: Water Resources Bulletin, v. 15, p. 948-963; May, C. W., Horner, R. R., Karr, J. R., Mar, B. W., and Welch, E. B., (1997), Effects of Urbanization on Small Streams in the Puget Sound Lowland Ecoregion: Watershed Protection Techniques, v. 2, p. 483-494; Morisawa, M. and LaFlure, E. Hydraulic Geometry, Stream Equilibrium and Urbanization In Rhodes, D. P. and Williams, G. P. Adjustments to the Fluvial System p.333-350. (1979); Dubuque, Iowa, Kendall/Hunt. Tenth Annual Geomorphology Symposia Series; and The Importance of Imperviousness: Watershed Protection Techniques, 1(3), Schueler, T. (1994).

16. **"MAXIMUM EXTENT PRACTICABLE" (MEP):** The State Water Resources Control Board (SWRCB) describes MEP as "…the technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve. MEP is generally a result of emphasizing pollution prevention and source control BMPs as the first lines of defense in combination with structural and treatment methods where appropriate serving as additional lines of defense. The MEP approach is an ever evolving, flexible, and advancing concept, which considers technical and economic feasibility." (SWRCB Order No.2003-0005-DWQ, pg. 8-9 of Fact Sheet).

17. **ANTIDEGRADATION:** Conscientious implementation of BMPs that reduce storm water pollutants to the Maximum Extent Practicable will reduce the likelihood that discharges from MS4s will cause or contribute to unreasonable degradation of the quality of receiving waters. Therefore, this Order is in conformance with SWRCB Resolution No. 68-16 and the federal antidegradation policy described in 40 CFR 131.12**.**

18. **CEQA:** The issuance of waste discharge requirements for the discharge of urban runoff from MS4s to waters of the United States is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (CEQA) (Public Resources Code, Division 13, Chapter 3, § 21000 et seq.) in accordance with the CWC § 13389.

19. **PUBLIC NOTICE:** The Regional Board has notified the all known interested parties and the public of its intent to consider adoption of an order prescribing waste discharge requirements that would serve to renew an NPDES permit for the existing discharge of urban runoff.

20. **PUBLIC HEARING:** The Regional Board has, at a public meeting on ~~December 3, 2004~~February 11, 2005, held a public hearing and heard and considered all comments pertaining to the terms and conditions of this Order.

21. **EFFECTIVE DATE:** This Order serves as a NPDES Permit for discharges of storm water from the Permittee's storm drain system within the Permit boundary, pursuant to Section 402 of the CWA, or amendments thereto, and shall become effective ten days after the date of its adoption provided the U.S. EPA Regional Administrator has no objections.

THEREFORE, IT IS HEREBY ORDERED that Order No. 99-087 is rescinded, and that the City of Salinas, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the CWA as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. Discharges from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in §13050 of the California Water Code) in waters of the State of California are prohibited.

2. Discharges from MS4s that cause or contribute to the violation of water quality objectives or water quality standards are prohibited.

3. Discharges from MS4s containing pollutants that have not been reduced to the Maximum Extent Practicable (MEP) are prohibited.

4. The Permittee shall prohibit all types of non-storm water discharges into its MS4 unless such discharges are either authorized by a separate NPDES permit or not prohibited in accordance with this Order.

5. The following categories of non-storm water discharges (copied from 40 CFR 122.26(d)(2)(iv)(B)(1), except as provided by Prohibition 6.b) need only be prohibited from entering an MS4 if such categories of discharges are identified by the Permittee as a source of pollutants to waters of the United States:

   a. Diverted stream flows
   b. Rising ground waters
   c. Uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)]
   d. Uncontaminated pumped ground water
   e. Foundation drains
   f. Springs
   g. Water from crawl space pumps
   h. Footing drains
   i. Air conditioning condensation
   j. Flows from riparian habitats and wetlands
   k. Water line flushing
   l. Lawn and landscape irrigation from potable water sources
   m. Discharges from potable water sources
   n. Irrigation water
   o. Individual residential car washing
   p. De-chlorinated or debrominated swimming pool water

6. Discharges or flows from fire fighting activities are excluded from the non-storm water discharge-prohibition and need only be addressed where they are identified as significant sources of pollutants to waters of the United States.

7. When a non-storm water discharge category listed above is identified by the Permittee or the Executive Officer as a source of pollutants to waters of the State of California, the Permittee shall either:

a. Prohibit, via ordinance or other method, the discharge category from entering its MS4; or

b. Not prohibit the discharge category and implement, or require the responsible party(ies) to implement, BMPs that will reduce pollutants to the MEP; and

c. Submit the following information to the Regional Board for approval of the Executive Officer within 90 days upon identification of such discharge category:

i. The non-storm water discharge category listed above that the Permittee elects not to prohibit; and

ii. The BMPs for each discharge category listed above that the Permittee will implement, or require the responsible party(ies) to implement, to prevent or reduce pollutants to the MEP.

8. The Permittee shall examine all dry weather analytical monitoring results collected in accordance with the Monitoring and Reporting Program required by this Order (Attachment 5) to identify water quality problems that may be the result of any non-storm water discharge, including any non-prohibited discharge category(ies) listed in Discharge Prohibition No. 5~~Finding 5~~ of this Order (page 6~~1~~). Follow-up investigations shall be conducted as necessary to identify and control or prohibit, as described above, any non-storm water discharges that are sources of pollutants. Non-prohibited discharges listed above containing pollutants that cannot be reduced to the MEP by the implementation of BMPs shall be prohibited on a categorical or case-by-case basis.

B. EFFLUENT DISCHARGE LIMITATIONS

Numerical and narrative water quality objectives exist for receiving waters in the Central Coast Region. However, due to the variability in storm water quality and quantity and the complexity of urban runoff, the impact of urban storm water runoff discharges on water quality or receiving waters has not been fully determined. Therefore, this Order does not contain numerical effluent limitations for specific constituents. The Permittee's storm water discharges may not, however, cause or contribute to an exceedance of a receiving water quality objective contained in the Basin Plan or other statewide plans or policies. The Code of Federal Regulations (40 CFR 122.26(d)(2)(iv)) requires storm water permittees to implement BMPs to reduce pollutants in storm water discharges to the maximum extent practicable. BMPs are described in the Permittee's SWMP. This Order requires ongoing assessment and annual reporting on the implementation and effectiveness of the BMPs.

C. RECEIVING WATER LIMITATIONS

1. Discharges from MS4s that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) of Receiving Waters are prohibited.

2. Discharges from the MS4 of storm water, or non-storm water for which a Permittee is responsible, shall not cause or contribute to a condition of nuisance in Receiving Waters.

3. The Permittee shall comply with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations C.1 and C.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this Order, including any modifications. The SWMP shall be designed to achieve compliance with Receiving Water Limitation C.1 and C.2 to the MEP. Due to the unique aspects of managing storm water discharges through storm drain systems (intermittent discharges, difficulties in monitoring, limited physical control over the discharge, etc.), the Permittee will need to evaluate the effectiveness of BMPs during the duration of the permit and determine whether the implemented BMPs are adequately protecting receiving waters. If exceedance(s) of water quality objectives persist notwithstanding implementation of the SWMP and other requirements of this Order, the Permittee shall assure compliance with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitation C.1 and C.2 by complying with the following procedure:

   a. Upon a determination by either the Permittee or Regional Board that discharges are causing or contributing to an exceedance of an applicable water quality standard, the Permittee shall submit a Report of Water Quality Exceedance (Report of Exceedance) to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The Report of Exceedance shall be incorporated in the next Annual Report unless the Regional Board directs an earlier submittal. The Report of Exceedance shall include proposed revisions to the SWMP and an implementation schedule for new or improved BMPs, if applicable. The Regional Board may require modifications to the Report of Exceedance.

   b. If the Regional Board requires modifications to the Report of Exceedance, the Permittee shall submit any modifications within 30 days of notification.

   c. Within 30 days following approval of the Report of Exceedance by the Regional Board, the Permittee shall revise the SWMP and its monitoring program to incorporate the approved modified BMPs that have been and will

be implemented, implementation schedule, and any additional monitoring required.

d. The Permittee shall implement the revised SWMP and monitoring program in accordance with the approved schedule.

So long as the Permittee has complied with the procedures set forth above and are implementing the revised SWMP, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.

D. PROVISIONS

D.1. General Requirements

a. The Permittee shall:

i. Comply with the requirements of this Order, including all Attachments, the SWMP, and any Regional Board-approved modifications to these documents;
ii. Coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of the SWMP in an efficient and cost-effective manner;
iii. Participate in intra-agency coordination (e.g., Fire Department, Development and Permits, Public Works, etc.) necessary to successfully implement the provisions of this Order and the SWMP.
iv. Secure the resources necessary to meet the requirements of this Order.

D.2. Storm Water Management Program

a. The Permittee is currently operating within the Storm Water Management Program (SWMP) that was submitted with the original 1999 Storm Water Permit application. The SWMP provides an approach to reduce the discharge of pollutants to the Permittee's storm drain system to the MEP (MEP is described in Finding 16 of this Order).

b. The MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. Reducing the discharge of storm water pollutants to MEP in order to protect beneficial uses requires review and improvement of current BMPs and SWMP activities. To do this, the Permittee must conduct and document an evaluation of each relevant SWMP element. After the evaluation, the Permittee must revise activities, control measures, BMPs, and measurable goals, as necessary to meet MEP.

c. Upon adoption of this Order, the Permittee shall review and modify its SWMP to address the requirements of the Storm Water Management Program Revision Requirements (Attachment 4) of this Order, and submit the revised SWMP within 180 days of permit adoption for approval by the Regional Board or its Executive Officer.

d. Attachment 4 of this Order describes the conditions by which the Permittee will revise the City's current SWMP. This Order requires the Permittee to revise the current SWMP to update and/or include the following major program elements:

i. Construction Site Management Component
ii. Development Standards Component
iii. Commercial/Industrial Facilities Component
iv. Municipal Maintenance Component
v. Illicit Discharge Detection and Elimination Component
vi. Public Education and Participation Component
vii. Program Effectiveness
viii. Legal Authority

D.3. Monitoring

a. This permit requires water quality monitoring which is designed to monitor and assess the implementation and effectiveness of the BMPs described in the SWMP. The Monitoring and Reporting Program is described and included as Attachment 5 of this Order. The monitoring program has been designed to compliment monitoring programs associated with: a) the Central Coast Ambient Monitoring Program (CCAMP); b) the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2004-0117, adopted on July 8, 2004; c) Monterey Bay National Marine Sanctuary's "First Flush", "Snapshot Day", and "Urban Watch" programs.

b. This Order requires the full implementation of the Monitoring and Reporting Program.

c. Monitoring data shall be submitted to the Regional Board electronically and in hard copy.

D.4. Annual Report

The Permittees shall submit an Annual Report by October 1 of each year. Requirements for the Annual Report are provided in the Salinas Monitoring and Reporting Program, Attachment 5 of this Order.

D.5. Annual Work Plan

a. The Permittee shall submit an Annual Work Plan to the Regional Board by October 1 of each year, commencing in October 2006. (The revised Storm

Water Management Plan, required to be submitted six months after adoption of this Order, will replace the 2006 Annual Work Plan). The Annual Work Plan shall provide the Permittee's proposed activities for the upcoming fiscal year beginning July 1 of the current year and ending June 30 the following year. The Permittee will be required to continue the previous year's level of efforts until the current year's Annual Work Plan is finalized. This Provision is intended to ensure that SWMP activities are continuous, while recognizing that there may be delays in finalizing the City's annual budget, thus delaying a final Annual Work Plan.

b. The Annual Work Plan shall provide the Permittee's expected level of effort and the expected performance level necessary to meet each of the major elements in the SWMP.

c. The Annual Work Plan will include proposed modifications to the SWMP if necessary. The Regional Board may require modifications to the Annual Work Plan.

d. The Annual Work Plan shall include all applicable reporting requirements described in the Salinas Monitoring and Reporting Plan, Attachment 5 of this Order.

D.6. Legal Authority

The Permittee shall establish, maintain, and enforce adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means, as described under the "Legal Authority" heading in Attachment 4, Storm Water Management Program Revision Requirements.

E. CHANGES TO THIS ORDER

1. This Order may be modified, or alternately, revoked or reissued, prior to the expiration date as follows:

   a. To address changed conditions or new information identified in the required technical reports or other sources deemed significant by the Regional Board;

   b. To incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan; or

   c. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable.

   d. To be consistent with any amendments to the CWA regarding the discharges from municipal separate storm sewer systems.

e. At the request of the permittee, this Order may be modified to revise or amend the Receiving Water Limitations to achieve consistency with State or federal laws or policies adopted subsequent to the date of this Order.

2. The permittee shall comply with the Salinas Monitoring and Reporting Program, Attachment 5 of this Order, and any revisions or modifications thereto as ordered by the Executive Officer. The Executive Officer is authorized to revise the Salinas Monitoring and Reporting Program and also to allow the permittee to participate in regional, statewide, national, or other monitoring programs.

3. Upon approval by the Regional Board's Executive Officer, all plans, reports, and subsequent amendments as required by this Order shall be implemented and shall become an enforceable part of this Order. Prior to approval by the Executive Officer these plans, reports, and amendments shall not be considered as an enforceable part of this Order.

F. EXPIRATION AND REAPPLICATION

1. This Order expires on ~~December 3, 2009~~February 11, 2010. The permittee must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, no later than 180 days in advance of such date in application for renewal of waste discharge requirements. The Report of Waste Discharge shall, at a minimum, include the following:

   a. Any revisions to the SWMP including, but not limited to, all the activities the permittee proposes to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, any proposed pilot studies, etc.,

   b. Changes in land use and/or population including map updates,

   c. Any significant changes to the storm drain systems, outfalls, detention or retention basins or dams, and other controls including map updates of the storm drain systems, and

   d. New or revised elements and compliance schedules necessary to comply with the Receiving Water Limitations in this Order.

2. The Permittee may petition the Regional Board Executive Officer to accept the **October 2009 Annual Report as the Permittee's Report of Waste Discharge** application for the subsequent permit term provided the Annual Report contains all of the information required in Section F.1 of this Order (above) and applicable sections of the RWQCB Report of Waste Discharge Form 200.

G. STANDARD PROVISIONS

1. The Regional Board and the Environmental Protection Agency shall be allowed:

   a. entry upon premises where an effluent source is located or where records must be kept under the conditions of this permit;
   b. access to copy any records that must be kept under the conditions of this permit;
   c. to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
   d. to photograph, sample, and monitor for the purpose of showing permit compliance.

2. After notice and opportunity for a hearing, this order may be terminated for cause, including, but not limited to:
   a. violation of any term or condition contained in this order;
   b. obtaining this order by misrepresentation, or by failure to disclose fully all relevant facts;

3. This permit does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, does not remove liability under Federal, State, or local laws, and does not guarantee a capacity right in receiving waters.

4. Provisions of this permit are severable. If any provision of the permit is found invalid, the remainder of the permit shall not be affected.

5. After notice and opportunity for hearing, this order may be modified or revoked and reissued for cause, including:

   a. Promulgation of a new or revised effluent standard or limitation;
   b. Correction of technical mistakes or mistaken interpretations of law; and,
   c. Other causes set forth under Sub-part D of 40CFR Part 122.

6. The Permittee shall furnish, within a reasonable time, any information the Regional Board may request to determine compliance with this permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit.

7. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit may, upon

conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or both.

8. Any person failing to file a report of waste discharge or other report as required by this permit shall be subject to a civil penalty not to exceed $5,000 per day.

9. Any person who knowingly makes any false statement, representation, or certification of any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, may, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment of not more than six months per violation, or by both.

10. Any person causing violation of this permit shall be subject to a civil penalty not to exceed $15,000 per day of violation. Any person who willfully or negligently causes violation of this permit is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, and by imprisonment for not more than one year.

H. CERTIFICATION

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on ~~December 3, 2004~~February 11, 2005.

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Roger W. Briggs
Executive Officer

_____

Date

Attachments to Order R3-2004-0135

Attachment 1 – List of Acronyms
Attachment 2 – Watersheds Within the City of Salinas
Attachment 3 – Water Bodies of the Greater Salinas Area
Attachment 4 – Storm Water Management Program Revision Requirements
Attachment 5 – Salinas Monitoring and Reporting Program
Attachment 6 – Due Dates Required by Order No. 2004-0135